

Environmental Council of 24 October 2022

AoB point - PFAS

SUBSTANTIVE

As recognised in the Chemicals Strategy for Sustainability (COM(2020) 667 final), pollution from PFAS can cause severe and, in most cases, long-lasting environmental damage and potentially adverse health impacts on our citizens. Many Member States, including Belgium, have to deal with this type of persistent pollution. We already brought this important issue to the attention of the Council of 6/10/2021 and want to provide additional information on what we experienced while dealing with the PFAS-crisis in our Flemish Region and would like to put forward some preliminary insights and conclusions that we want to address to the Member states and the EU institutions.

The presence of PFAS is witnessed all over the environment of the Flemish Region, but without doubt not only there. It is detected on locations where a source is present (emission points, terrains where fire-fighting foams were used, production and use sites) but also on locations considered to be unsuspecting (nature reserves, coastal areas, agricultural zones). We are confronted with a very diffuse pollution by PFAS, and not always a source can be indicated. That assessment provides challenges for our environmental policy as it is often based on tackling pollution at the source (reduction of emissions) or preventing further spreading and restoration (remediation of polluted sites, ...). On top of that due to its persistent properties an enrichment of PFAS in **water** takes place, causing slowly increasing values in surface, ground and drinking water. While some accepted health threshold values exist (cf. the tolerable weekly intake 4.4 ng/kg body weight/week (EFSA)), only limited techniques are yet available to purify this water and to obtain the required low concentrations. The **standard setting for emission values** is determined on the basis of (eco)toxicology and exposure, which needs to remain the case to provide the necessary high protection for health and environment. However even when applying the most performant best available techniques we foresee problems for implementing and enforcing these standards.

PROPOSAL: NEED TO OBTAIN FAR GOING RESTRICTIONS FAST, A SYSTEMIC APPROACH, GOOD PRACTICES AND IMPROVED INFORMATION EXCHANGE.

We insist for fast and ambitious EU procedures for initiatives relevant for PFAS and meant to reduce the impact of PFAS considerably. To prevent the further spreading and accumulating of pollution of PFAS it is crucial that we come to far going restrictions on use and production of PFAS and this as soon as possible.

Without prejudice to our commitments in the implementation of the Stockholm Convention on Pollutant Organic Persistent chemicals and the European regulation implementing it, which strictly addresses issues related to certain PFAS (i.e PFOS, PFOA, PFHxS) we want to put forward some important issues on PFAS and their impact.

The tackling of the PFAS pollution needs to be done by measures that cover the complete value chain, and this in a systemic way: preventing production and use, minimizing emissions to the environment, remediation of pollution, the managing of PFAS-holding materials, and the destruction of PFAS residues.

For this an integral approach within the EU environmental regulations also seems inevitable.

This kind of systemic approach shows close links with a vast number of European regulations and initiatives. The drive to obtain 'zero pollution' by PFAS is only possible if in each of these regulations the specific properties of PFAS are taken into account (depending on the cases, bio accumulative, persistent, mobile and/or toxic), and a coordinated approach at the European level is followed.

Some in this respect **crucial European processes** are the currently running revision of the Industrial Emissions Directive (IED) (BREF's should focus more on dangerous substances and SvHC including PFAS), the announced tightening for polluting substances within the EU Water Framework Directive (WFD), the expected proposal for an EU Soil Health Law and the proposed approach for contaminated sites (see the various PFAS-polluted sites in our country and in several other EU Member States). It is already clear that the proposals for new environmental quality standards (for PFAS a.o.) in the EU WFD will be lowered considerably and due to the persistent properties of these substances they are omnipresent in several compartments of our environment. This means that the smallest addition of PFAS in our surface water, for instance through well pointing or draining PFAS polluted ground water, is mostly considered to be contributing to a deterioration of the status.

We would like to exchange views on how compliance with these new standards (which reflect an identified risk) can be assured and how we can therefore deal with these legacy PFAS problems in the most appropriate way.

Belgium would like to express the need to initiate exchanges of views on the way forward to ensure health safety and environment quality, good water status, safe soil reuse and legal certainty while at the same time technical limitations to do so must be overcome (e.g. on decontamination of soil and organic matter before reuse).

We also want to point out, as a sharing of experience, the important efforts by the Flemish Region **to tackle the (historic) pollution**. This implies an important deployment of people and resources. The collection of usable and rapidly applicable knowledge is partly realized (e.g. local BAT studies are developed) but still remains an important objective. We still have an important need for additional exchange of information/experiences on the topics of sanitation methods/sanitation approaches and the handling of PFAS holding

waste (including the definition of limits for organic biological waste used to obtain soil-improving substances). Since we are gathering knowledge rather fast, we sometimes lack information on their effectiveness. Furthermore we also want to mention the issues relating to the return drainage, the reuse of soil and soil materials, the excavated land uses ...

In relation to the PFAS-approach in the Flemish Region we want to share more information in the near future concerning some practices the Flemish Region considers to be good practices to tackle PFAS and their impact. On that occasion we will focus on (bio-)monitoring, remediation techniques, permitting, enforcement, and the sharing of information concerning polluted sites (see the Flemish "PFAS-Verkenner":

<https://www.dov.vlaanderen.be/portaal/?module=pfasverkenner>).

We can already ask your attention for the '**Letter of intent**' (**LOI**) with **EPA**, which the Flemish Minister for the Environment signed in Washington DC at the end of August. In our view also the information-exchange within the EU concerning the challenges caused by PFAS could be further optimized. This to try to maximize the exchange of information between the Member States to deal with the issues it poses.